IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 790 OF 2005

IN

CIVIL APPLICATION NO.902 of 2005

Hiramati B. Mishra .. Appellant

versus

Brihan Mumbai Muncipal Corporation .. Respondents

...

Ms.Betty D'Souza i/b M.P. Vashi for the petitioner.

Mr.R.A. Malandkar for the respondents

CORAM : B.H. MARLAPALLE,J

DATED : 5th September 2005.

P.C.:

1. Heard.

2. The order impugned in this appeal is dated 8th June 2005. The learned Judge of the trial Court declined to grant ad-interim relief. At the request of the plaintiff appellant, the impugned order was stayed for a period of four weeks from 8th June 2005.

Today when the appeal has come up for hearing on admission, the learned counsel for the appellant states that the subject structure has not been demolished inspite of refusal to pass an ad-interim order. If that be so, the Notice of Motion pending in L.C. Suit no.2245 of 2005 can be heard expeditiously by disposing this appeal.

3. Hence, it is directed that Notice of Motion no. 2145 of 2005 in L.C. Suit no.2245 of 2005 be heard and decided on its own merits and as expeditiously as possible without being influenced by any observations made in the ad-interim order and preferably by 30th November 2005.

4. Appeal is disposed of accordingly. Civil Application does not survive.

B.H. MARLAPALLE, J